

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
AT LAW AND IN ADMIRALTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.

APPROXIMATELY \$3,315.00 IN UNITED
STATES CURRENCY,

Defendant.

VERIFIED COMPLAINT FOR CIVIL FORFEITURE IN REM

The United States of America, by its attorneys, Matthew D. Krueger, United States Attorney for the Eastern District of Wisconsin, and Scott J. Campbell, Assistant United States Attorney for this district, alleges the following in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

Nature of the Action

1. This is a civil action to forfeit property to the United States of America, under 21 U.S.C. § 881(a)(6), for violations of 21 U.S.C. § 841(a)(1).

The Defendant In Rem

2. The defendant approximately \$3,315.00 in United States currency was seized on or about March 12, 2020, from Lucas Baldwin at or near XXX East Idlewild Court, Howard, Wisconsin.

3. The defendant property is presently in the custody of the United States Marshal Service in Green Bay, Wisconsin.

Jurisdiction and Venue

4. This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).
5. This Court has *in rem* jurisdiction over the defendant property under 28 U.S.C. § 1355(b).
6. Venue is proper in this district under 28 U.S.C. § 1355(b)(1), because the acts or omissions giving rise to the forfeiture occurred in this district.

Basis for Forfeiture

7. The defendant approximately \$3,315.00 in United States currency is subject to forfeiture to the United States of America under 21 U.S.C. § 881(a)(6) because it was used or intended to be used in exchange for controlled substances, represents proceeds of trafficking in controlled substances, or was used or intended to be used to facilitate a violation of 21 U.S.C. § 841(a)(1).

Facts

8. Marijuana is a Schedule I controlled substance under 21 U.S.C. § 812.
9. On March 12, 2020, a search warrant was issued by the Honorable Paul Burke, Judicial Court Commissioner of the Brown County Circuit Court, for the residence located at XXX East Idlewild Court, Howard, Wisconsin.
10. The adult residents of XXX East Idlewild Court, Howard, Wisconsin, are Lucas Baldwin and his parents, E.B. and A.B.

Background

11. From approximately September 2019 through March 2020, an individual having the initials S.H. sold or fronted¹ marijuana to Lucas Baldwin.

12. From approximately September 2019 through March 2020, S.H. sold or fronted approximately 200 to 250 grams of marijuana per week to Lucas Baldwin.

13. The largest quantity of marijuana that S.H. sold or fronted to Lucas Baldwin from approximately September 2019 through March 2020 was more than one-half kilogram of marijuana.

March 12, 2020 execution of search warrant at XXX East Idlewild Court, Howard, Wisconsin

14. On March 12, 2020, officers executed the search warrant at XXX East Idlewild Court, Howard, Wisconsin (“the residence”).

15. Prior to executing the search warrant on March 12, 2020, officers took Lucas Baldwin into custody after Baldwin arrived at, and drove into the driveway of, the residence.

16. When placing Baldwin into custody, officers searched Baldwin’s person for any contraband and weapons.

17. Inside Baldwin’s front pants pocket was the defendant approximately \$3,315 in United States currency.

18. Below are some of the items inside the residence on March 12, 2020.

A. Inside the garage were the following:

- i. A jar containing approximately 4.03 grams of marijuana wax, and
- ii. Numerous baggies, approximately 3” x 2” in size.

¹ When a drug dealer “fronts” drugs to an individual, the dealer gives drugs to that individual and, in turn, expects that individual to sell the drugs and pay back the dealer from the sales proceeds.

B. In the basement were the following:

- i. Inside the freezer were two jars containing a total of approximately 3.46 grams of marijuana wax. The lids on the jars had stickers as labels that read "THC" and "product weight: 28 grams."
- ii. Inside the same freezer was a plastic container that contained approximately 1.02 grams of marijuana wax.
- iii. Inside a safe were the following:
 - a. Empty marijuana packaging,
 - b. Documents in the name of Lucas Baldwin, and
 - c. An envelope containing approximately \$3,790 in United States currency, which is not included in the defendant currency in this case.

C. Drug paraphernalia was located throughout the residence.

Lucas Baldwin's March 12, 2020 recorded mirandized interview and written voluntary statement

19. On March 12, 2020, officers conducted a recorded mirandized interview of Lucas Baldwin at the Green Bay Police Department.

20. During the interview, Lucas Baldwin admitted the following:

- A. S.H. was Baldwin's source of supply for marijuana wax.
- B. S.H. drove up from the Milwaukee area and provided Baldwin with one to four ounces of marijuana wax about once every week or two for the past four to five months.
- C. S.H. charged Baldwin \$500 for each ounce of marijuana wax.
- D. Baldwin had three or four customers to whom Baldwin charged \$600 per ounce of marijuana wax.
- E. Baldwin owed S.H. \$2,000 for marijuana wax.
- F. S.H. drove up on March 12, 2020, to obtain payment of a drug debt from Baldwin.
- G. On March 12, 2020, Baldwin was going to pay S.H. \$2,000 for Baldwin's drug debt.

- H. On March 12, 2020, Baldwin's friend told Baldwin that S.H. had been arrested that day.
 - I. When Baldwin heard of S.H.'s arrest, Baldwin went home and took a couple ounces of marijuana wax and some marijuana cartridges to J.P.'s house to avoid those items being found at Baldwin's residence.
 - J. The money seized from Baldwin's pocket during Baldwin's arrest was drug proceeds.
 - K. Baldwin previously sold cocaine but now sells only marijuana wax.
21. On March 12, 2020, Lucas Baldwin signed a written voluntary statement in which Baldwin admitted the following:
- A. For the past four to five months, about once every one to two weeks, S.H.² drove up from the Milwaukee area and gave Baldwin one to four ounces of marijuana wax.
 - B. S.H. charged Baldwin \$500 for each ounce of marijuana wax.
 - C. Baldwin charged Baldwin's customers \$600 per ounce for the marijuana wax.
 - D. Baldwin owed S.H. \$2,000 for marijuana wax.
 - E. S.H. was driving up on March 12, 2020, and one of S.H.'s stops was to meet with Baldwin so that Baldwin could pay money owed to S.H.
 - F. When one of Baldwin's friends told Baldwin that S.H. had been arrested, Baldwin went home and got a couple ounces of marijuana wax and some marijuana cartridges out of Baldwin's house and took them to J.P.'s house.
 - G. After dropping off the marijuana items at J.P.'s house, S.H. called Baldwin and stated that S.H. had not been arrested and that S.H. wanted to meet with Baldwin.
 - H. Baldwin then returned to his house to meet with S.H. and to pay S.H. \$2,000 of Baldwin's drug debt.

² Lucas Baldwin referred to S.H. using a name starting with the letter "T." Baldwin also positively identified S.H. – through an unlabeled colored photograph – as the person he knows using that name starting with the letter "T."

March 12, 2020 execution of search warrant at J.P.'s residence, and J.P.'s statement

22. On March 12, 2020, officers conducted a consent search at J.P.'s residence. J.P. was present during the search.

23. J.P. admitted that Lucas Baldwin had been at J.P.'s residence earlier that day – March 12, 2020 – and that Baldwin had dropped off two ounces of marijuana.

24. J.P. retrieved the bag containing 43.92 grams of marijuana and admitted that he had purchased the bag of marijuana that day – March 12, 2010 – from Lucas Baldwin for \$500.

25. J.P. admitted that J.P. had purchased marijuana and marijuana wax in the past from Lucas Baldwin.

S.H.'s March 12, 2020 written voluntary statement during mirandized interview

26. On March 12, 2020, during a mirandized interview, S.H. signed a written voluntary statement in which S.H. admitted the following:

- A. One of the individuals that S.H. distributes marijuana to is Lucas Baldwin.
- B. S.H. would deliver marijuana to Lucas Baldwin once per week for the past six to seven months.
- C. During the last delivery about 1-1/2 weeks earlier, Lucas Baldwin left the door to his home open and S.H. dropped off the drugs at Baldwin's house. Baldwin received greater than one-half kilogram of "terp" (marijuana).
- D. Lucas Baldwin owed S.H. approximately \$22,000 for drugs.
- E. S.H. anticipated that Lucas Baldwin was going to pay S.H. most or all of Baldwin's drug debt on March 12, 2020.

D.W.'s March 12, 2020 written voluntary statement during mirandized interview

27. On March 12, 2020, during a mirandized interview, D.W. signed a written voluntary statement in which D.W. admitted that S.H. sells marijuana to, among others, Lucas Baldwin.

Lucas Baldwin's State Drug Charges

28. On March 13, 2020, Lucas Baldwin was charged in Brown County Circuit Court, Case No. 20CF418, with the following five counts:

- A. Manufacture/deliver marijuana (<=200g) with modifiers of “second and subsequent offense” and “repeater;”
- B. Manufacture/deliver marijuana (>10,000g) with modifiers of “second and subsequent offense,” “repeater,” and “conspiracy to commit;”
- C. Possession of marijuana (2^{nd+} offense) with modifier of “repeater;”
- D. Possession of drug paraphernalia with modifier of “repeater;” and
- E. Possession of drug paraphernalia with modifier of “repeater.”

29. Arraignment in Case No. 20CF418 is scheduled for September 8, 2020.

Administrative Forfeiture Proceedings

30. The Drug Enforcement Administration (“DEA”) began administrative forfeiture proceedings against the approximately \$3,315.00 in United States on the ground that the seized currency was used or intended to be used in exchange for controlled substances or was proceeds of trafficking in controlled substances.

31. On or about June 8, 2020, Lucas Baldwin filed a claim with the DEA in the administrative forfeiture proceeding to the defendant approximately \$3,315.00 in United States currency.

Warrant for Arrest In Rem

32. Upon the filing of this complaint, the plaintiff requests that the Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b), which the plaintiff will execute upon the defendant property pursuant to 28 U.S.C. § 1335(d) and Supplemental Rule G(3)(c).

Claims for Relief

33. The plaintiff alleges and incorporates by reference the paragraphs above.

34. By the foregoing and other acts, the defendant approximately \$3,315.00 in United States currency was used or intended to be used in exchange for controlled substances, represents proceeds of trafficking in controlled substances, or was used or intended to be used to facilitate a violation of 21 U.S.C. § 841(a)(1).

35. The defendant approximately \$3,315.00 in United States currency is therefore subject to forfeiture to the United States of America under 21 U.S.C. § 881(a)(6).

WHEREFORE, the United States of America prays that a warrant of arrest for the defendant property be issued; that due notice be given to all interested parties to appear and show cause why the forfeiture should not be decreed; that judgment declare the defendant property to be condemned and forfeited to the United States of America for disposition according to law; and that the United States of America be granted such other and further relief as this Court may deem just and equitable, together with the costs and disbursements of this action.

Dated at Milwaukee, Wisconsin, this 19th day of August, 2020.

Respectfully submitted,

MATTHEW D. KRUEGER
United States Attorney

By: s/SCOTT J. CAMPBELL
SCOTT J. CAMPBELL
Assistant United States Attorney
Scott J. Campbell Bar Number: 1017721
Attorney for Plaintiff
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Eastern District of Wisconsin
517 East Wisconsin Avenue, Room 530
Milwaukee, Wisconsin 53202
Telephone: (414) 297-1700
Fax: (414) 297-1738
E-Mail: scott.campbell@usdoj.gov

Verification

I, Paul A. Giesler, hereby verify and declare under penalty of perjury that I am a Task Force Officer with the Drug Enforcement Administration (DEA) in Green Bay, that I have read the foregoing Verified Complaint for Civil Forfeiture *in rem* and know the contents thereof, and that the factual matters contained in paragraphs 8 through 27 of the Verified Complaint are true to my own knowledge.

The sources of my knowledge and information are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as a Task Force Officer with DEA.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

Date: August 19, 2020

s/PAUL A. GIESLER
Paul A. Giesler
Task Force Officer

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

Place an "X" in the appropriate box: Green Bay Division Milwaukee Division

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorneys (Firm Name, Address, and Telephone Number)
Scott J. Campbell, AUSA
US Attorney's Office, #530 Federal Building
517 E. Wisconsin Avenue, Milwaukee, WI 53202 (414-297-1700)**DEFENDANTS**

APPROXIMATELY \$3,315.00 IN UNITED STATES CURRENCY

County of Residence of First Listed Defendant Brown

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- | | |
|---|--|
| <input checked="" type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	LABOR	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Fraud	SOCIAL SECURITY	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 391 Truth in Lending	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 392 Other Personal Product Liability	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 891 Agricultural Acts
			<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 893 Environmental Matters
			<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 895 Freedom of Information Act
				<input type="checkbox"/> 896 Arbitration
				<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
				<input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	FEDERAL TAX SUITS	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	Habeas Corpus:	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 530 General		
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 535 Death Penalty		
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other		
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights		
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 462 Naturalization Application		
		<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition)		
		<input type="checkbox"/> 465 Other Immigration Actions		

V. ORIGIN

(Place an "X" in One Box Only)

- | | | | | | |
|---|---|--|---|--|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from another district (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation |
|---|---|--|---|--|---|

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
21 USC § 881(a)(6)

Brief description of cause:

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMAND \$ _____

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

08/19/2020

s/SCOTT J. CAMPBELL

FOR OFFICE USE ONLY

RECEIPT # _____

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
AT LAW AND IN ADMIRALTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.

APPROXIMATELY \$3,315.00 IN UNITED
STATES CURRENCY,

Defendant.

WARRANT FOR ARREST IN REM

To: THE UNITED STATES MARSHAL
Eastern District of Wisconsin

WHEREAS, a Verified Complaint for Civil Forfeiture *in rem* was filed on the 19th day of August, 2020, by the United States Attorney for the Eastern District of Wisconsin, which seeks the forfeiture of the above-named defendant property pursuant to Title 21, United States Code, Section 881(a)(6), and which prays that process issue to enforce the forfeiture and to give notice to all interested parties to appear before the court and show cause why the forfeiture should not be decreed; and due proceedings being had, that the defendant property be condemned and forfeited to the use of the United States of America.

YOU ARE THEREFORE HEREBY COMMANDED to attach and arrest the defendant property, approximately \$3,315.00 in United States currency, which was seized on or about March 12, 2020, from Lucas Baldwin at or near XXX East Idlewild Court, Howard, Wisconsin, and which is presently in the custody of the United States Marshal Service in Green Bay,

Wisconsin, in the Eastern District of Wisconsin, and to detain the same until further order of this Court.

Dated this _____ day of _____, 2020, Green Bay, Wisconsin.

GINA COLLETTI
Clerk of Court

By:

Deputy Clerk

Return

This warrant was received and executed with the arrest of the above-named defendant.

Date warrant received: _____

Date warrant executed: _____

Name and title of arresting officer: _____

Signature of arresting officer: _____

Date: _____